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January 20, 2015

**VIA ECF**

The Honorable William H. Pauley III  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1920  
New York, New York 10007

Re: Berkley Networks Corp. d/b/a inMarkit v. inMarket Media, 14-cv-05145 (WHP)

Dear Judge Pauley:

We represent Plaintiff in the above action. In accordance with Your Honor's January 16, 2015 Order (Dkt. No. 59), we respectfully submit this joint letter, on behalf of all parties, as a follow-up to the previously submitted joint letter by which Plaintiff requested a conference on its intended motion to compel the production of documents responsive to Plaintiff's First and Second Requests for Production in this action (the "Requests") (Dkt. No. 57).

As instructed by the Court, the parties engaged in a meet and confer over the weekend in a renewed effort to resolve the issues raised by Plaintiff's motion to compel. Participating in the meet and confer, which took place on Sunday, January 18, 2015, at 4 pm, were Laura Tejada and Benjamin Wolverton on behalf of Plaintiff, and Jeffrey Wakolbinger and Julia Kasper on behalf of Defendants. Before the call, at Defendants' counsel's request, Plaintiff's counsel provided a list of specific Requests that, from Plaintiff's perspective, remained at issue. The parties discussed each of these Requests during the call. As a result of these discussions, Defendants have agreed to conduct additional searches for documents responsive to certain of these Requests, and as to the remaining Requests, the parties reserve their respective positions. Plaintiff has therefore agreed, subject to the Court's permission, to suspend its pursuit of the motion to compel until Defendants have completed those searches and made a supplemental production to Plaintiff, in the hope that the parties will be able to resolve as many of the outstanding issues as possible through this process.


Accordingly, we respectfully advise the Court that the parties would like to adjourn this afternoon's telephone conference with the Court until after Defendants have completed their searches and have provided Plaintiff with a supplemental production, which Defendants indicated they would do as soon as possible and no later than Friday, January 23, 2015. The parties propose to contact the Court by Monday, January 26, 2015, to advise whether it will be necessary to present any remaining issues to the Court with respect to these Requests.

Hon. William H. Pauley III  
January 20, 2015  
Page 2

We thank the Court for its consideration.

Respectfully Submitted,

ARNOLD & PORTER LLP

By   
Louis S. Ederer

cc: Defendants' Counsel (by ECF)